

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DENNIS R HOPKINS,

Plaintiff,

v.

JAMES E WARREN, et al.,

Defendants.

CASE NO. C13-6000 RBL

ORDER DENYING PLAINTIFF'S  
MOTION TO FILE AMENDED  
COMPLAINT AND FOR IFP  
STATUS

[DKT. # 6]

THIS MATTER is before the Court on Plaintiff Hopkins' "amended complaint addendum authorities of law to amended filed amended complaint of December 18, 2013" [Dkt. #6]. The document appears to be an addendum to his December 18 proposed amended complaint [Dkt. #4], apparently intended to act as legal support for the claims made in that document.

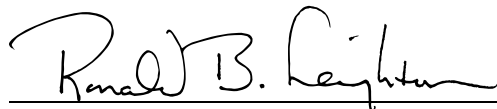
This Court denied without prejudice Plaintiff's application to proceed *IFP* on that complaint, because it alleged that a variety of private individuals violated Hopkins' constitutional rights when they evicted him and stole his property. [See Dkt. #5]. The Order explained that one cannot assert such claims under §1983 unless the defendants are "state actors."

1 Hopkins' addendum seems to argue that the defendants conspired with Pierce County  
2 Superior Court Judge Stephanie Arend to deprive him of the rights, or perhaps that the eviction's  
3 use of the court system makes the defendants state actors themselves. But the Complaint he  
4 recently filed is the same one he filed in December; it does not name any state actors as  
5 defendants. And it *could not* name the judge who entered any orders in the eviction case; she is  
6 immune as a matter of law from such suits. *See Mireles v Waco*, 502 U.S. 9, 10 (1991) ("It is  
7 well settled that judges are generally immune from suit for money damages.")

8 The amended complaint continues to suffer from the same fatal defect: it fails to state a  
9 claim upon which relief may be granted, because the defendants are facially not state actors.  
10 Plaintiff may have state law claims for theft, discrimination, or otherwise, but his constitutional  
11 claims against the private, named defendants are fatally defective. The Motion to proceed *IFP* is  
12 DENIED, and the constitutional claims are DISMISSED.

13 IT IS SO ORDERED.

14 Dated this 7<sup>th</sup> day of January, 2014.

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17 RONALD B. LEIGHTON  
18 UNITED STATES DISTRICT JUDGE  
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